

EXHIBIT

A

Kiely, Christian

From: Haley Proctor <hproctor@cooperkirk.com>
Sent: Tuesday, March 2, 2021 9:47 PM
To: McDonnell, Matthew S.; Kiely, Christian; Oren, Kristy; Peirce, Michelle
Cc: Nicole Moss
Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches

Dear Michelle and Matt,

Thank you for these revised reports. We think this last round of revisions has been very productive and hope it brings us close to an agreement on the protocol.

We do have a few corrections and questions:

1. There were a few errors/omissions in the search terms. We do not see a need to run the reports again on this round, but in the final protocol or any future rounds, they will need to be corrected:
 - a. "Duke of York" AND (Epstein OR JE OR Maxwell OR Roberts) – We accidentally omitted this term from our Agreed + Plaintiff term list, for which we apologize. It remains part of our search term proposal.
 - b. (pedo* or paedo*) w/25 ((Epstein w/3 Jeff*) OR JE OR Churcher OR Roberts) – We accidentally placed quotation marks around this term. With quotation marks, the search unsurprisingly returns zero hits.
 - c. VG or ("Heritage Auctions") or ("David Zwirner") or (vineyardgardens.net) – The parties had included the connector % to signify "but not," but it appears the vendor understood that symbol to indicate the "or" connector. The term should be: VG BUT NOT ("Heritage Auctions") or ("David Zwirner") or (vineyardgardens.net).
 - d. Virginia 3/3 Roberts – This term appears in Row 151 of Agreed + Defendant. We believe it should be: Virginia w/3 Roberts
2. We have noticed that several potential discrepancies between the February 5 search term reports and the February 25 report. If we're reading them correctly, the counts for some identical terms increased (e.g. "(Jeff OR Jeffrey) w/3 Epstein" increased by 1,397), while others decreased (e.g., "Palm Beach" AND ((Epstein w/3 Jeff*) OR Maxwell OR JE) decreased 642). Can you please explain the source of the discrepancy? Did you apply the same two exclusions to the 2/25 reports as were applied to the 2/5 report (i.e., the two exclusions mentioned in Kristy's email of 2/17)?
3. Unlike the February 25 search term reports, it appears that the March 1 reports do not include searches for email terms as both stand-alone terms and as the "to/from/cc" terms. Is that accurate? And if so, which of the two was used for the March 1st report? For the next report, we want to make sure that both are run, so that the total document number is accurate.

Before moving forward, we think it would be useful to have a call to talk this over and make sure we are all on the same page. Please let us know your availability tomorrow afternoon after 1 pm or Friday afternoon after 2 pm.

Thank you,
Haley

From: McDonnell, Matthew S. <mmcdonnell@hinckleyallen.com>
Sent: Tuesday, March 2, 2021 8:53 AM
To: Kiely, Christian <ckiely@toddweld.com>; Oren, Kristy <koren@toddweld.com>; Haley Proctor <hproctor@cooperkirk.com>; Peirce, Michelle <mpeirce@hinckleyallen.com>

Cc: Nicole Moss <nmoss@cooperkirk.com>

Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches

Thanks, Christian. I will get the list to the vendor once you send it over and will let you know if I have any questions.

Last night the vendor finished the analysis with the excluded terms. Attached are the updated reports, and here are the new totals:

Agreed + Plaintiffs – 11,908 hits/16,802 wfam

Agreed + Defendants – 9,947 hits/14,418 wfam

Thanks,

Matt

Matthew S. McDonnell

Associate

Hinckley Allen
28 State Street
Boston, MA 02109-1775
p: 617-378-4125 | f: 617-345-9020
mmcdonnell@hinckleyallen.com

From: Kiely, Christian <ckiely@toddweld.com>

Sent: Tuesday, March 2, 2021 8:49 AM

To: McDonnell, Matthew S. <mmcdonnell@hinckleyallen.com>; Oren, Kristy <koren@toddweld.com>; Haley Proctor <hproctor@cooperkirk.com>; Peirce, Michelle <mpeirce@hinckleyallen.com>

Cc: Nicole Moss <nmoss@cooperkirk.com>

Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches

[EXTERNAL EMAIL]

Matt,

Thanks for your email. I am sending you separately a version of the FROM metadata report, highlighting senders which we believe can be excluded from Harvard's internal review. We would also request that any emails sent by Professor Dershowitz TO any of these addresses be excluded from Harvard's review, provided there is no Harvard user (other than Professor Dershowitz) in the to/from/cc/bcc fields.

I would ask that you provide an updated count of documents which will remain subject to Harvard internal review as soon as possible, as Plaintiff has now placed this issue before the Court.

I will make myself available to discuss if need be.

Thank you,

Christian

From: McDonnell, Matthew S. <mmcdonnell@hinckleyallen.com>

Sent: Monday, March 1, 2021 9:01 AM

To: Oren, Kristy <koren@toddweld.com>; Haley Proctor <hproctor@cooperkirk.com>; Peirce, Michelle

<mpeirce@hinckleyallen.com>

Cc: Kiely, Christian <ckiely@toddweld.com>; Nicole Moss <nmoss@cooperkirk.com>

Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches

All,

As a brief update as to the status of the search term reports, we should have the revised reports with the exclusionary terms removed at some today or early Tuesday. I will circulate them as soon as we have them.

Additionally, as had been previously discussed with Defendant's counsel, Harvard has agreed, in principal, to begin the review process pursuant to Defendant's proposal. As we understood it, the proposal was based on the last "FROM" metadata report generated. Defendant's counsel identified that a majority of the top 50-100 senders from the FROM metadata report were with lawyers and others associated with the legal cases, not Harvard entities. Defendant's counsel proposed that because these emails would be unlikely to include any FERPA or Confidential information, these documents could be eliminated from Harvard's internal review process, and go to Defendant's counsel for a responsiveness review to speed up the review process for these documents.

Harvard agrees to this proposal, with the following conditions. Emails from these agreed-to senders will be screened, and only emails **with no** to/from/cc/bcc with any Harvard email addresses (except for Mr. Dershowitz) will be included. Defendant's counsel will discuss with Mr. Dershowitz to confirm that he would not have discussed students with any of the identified email addresses. Harvard could foresee the potential that MR. Dershowitz may discuss students with persons outside Harvard either in the context of job references/referrals or if Mr. Dershowitz co-taught with a professor from another school. Todd & Weld would be able to conduct their review, keeping an eye for any potential FERPA materials that may have accidentally be included. Harvard will then have the opportunity to conduct its own final check of the documents before production to ensure no FERPA/Confidential materials are produced.

If this procedure is agreed to, Harvard can begin preparing the documents subject to a list of senders provided by Defendant's counsel. Please let us know if you have any questions.

Best,

Matt

Matthew S. McDonnell

Associate

Hinckley Allen
28 State Street
Boston, MA 02109-1775
p: 617-378-4125 | f: 617-345-9020
mmcdonnell@hinckleyallen.com

From: McDonnell, Matthew S.

Sent: Thursday, February 25, 2021 8:53 AM

To: 'Oren, Kristy' <koren@toddweld.com>; 'Haley Proctor' <hproctor@cooperkirk.com>; Peirce, Michelle <mpeirce@hinckleyallen.com>

Cc: 'Kiely, Christian' <ckiely@toddweld.com>; 'Nicole Moss' <nmoss@cooperkirk.com>

Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches

All,

Please find attached the updated Agreed + Plaintiffs and Agreed + Defendants term reports. In terms of the total document numbers, the Plaintiff + Agreed returned 17,059 total documents, and the Defendant + Agreed returned 15,239 documents. The vendor is working on the second set of exclusionary reports now.

Thanks,
Matt

Matthew S. McDonnell

Associate

Hinckley Allen
28 State Street
Boston, MA 02109-1775
p: 617-378-4125 | f: 617-345-9020
mmcconnell@hinckleyallen.com

From: McDonnell, Matthew S.
Sent: Friday, February 19, 2021 10:07 AM
To: 'Oren, Kristy' <koren@toddweld.com>; Haley Proctor <hproctor@cooperkirk.com>; Peirce, Michelle <mpeirce@hinckleyallen.com>
Cc: Kiely, Christian <ckiely@toddweld.com>; Nicole Moss <nmoss@cooperkirk.com>
Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches

All,

I have given the vendor the various term lists and the criteria for the new searches. I am having them run the first, simple reports first, and then have them focus on the reports with exclusion protocols. I am hoping to speak to them today regarding any questions they have regarding the exclusion protocol reports, as well as discuss the timing. I will let you know once I have more information.

Thanks,
Matt

Matthew S. McDonnell

Associate

Hinckley Allen
28 State Street
Boston, MA 02109-1775
p: 617-378-4125 | f: 617-345-9020
mmcconnell@hinckleyallen.com

From: Oren, Kristy <koren@toddweld.com>
Sent: Wednesday, February 17, 2021 5:47 PM
To: Haley Proctor <hproctor@cooperkirk.com>; McDonnell, Matthew S. <mmcconnell@hinckleyallen.com>; Peirce, Michelle <mpeirce@hinckleyallen.com>
Cc: Kiely, Christian <ckiely@toddweld.com>; Nicole Moss <nmoss@cooperkirk.com>
Subject: RE: Giuffre v. Dershowitz / Terms to exclude from Harvard email searches